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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,068	01/19/2001	Jeff Scott Eder		6669

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ASSET TRUST, INC.  
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SUITE 7362  
BOTHELL, WA 98021

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/764,068

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 15, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 36-70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. **Claims 36-70 remained pending.**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall . U.S Patent 6, 073, 115 in view of Sheppard, U. S. Patent 6, 026, 397.

As per claims 36-45, Marshall discloses an enterprise method, comprising: integrating transaction data related to a commercial enterprise in accordance with a common schema, and developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Marshall fail to explicitly teach where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Sheppard discloses another technical advantage of the present invention is that it may be used to predict customer or potential customer behavior, including, for example, propensity to respond to direct mail or telemarketing, product preference, profitability, credit risk and probability of attrition. The present invention also provides a technical advantage of identifying "unusual" customers and potentially fraudulent behavior by those customers. (see column 2 lines 44-51 and column 1 lines 34-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Sheppard in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 46-54, Marshall discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising:

integrating enterprise transaction data in accordance with a common model or schema, analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document.

However Sheppard discloses another technical advantage of the present invention is that it may be used to predict customer or potential customer behavior, including, for example, propensity to respond to direct mail or telemarketing, product preference, profitability, credit risk and probability of attrition. The present invention also provides a technical advantage of identifying "unusual" customers and potentially fraudulent behavior by those customers. (see column 2 lines 44-51 and column 1 lines 34-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document taught by Sheppard in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 55-63, Marshall discloses a future market value method, comprising: integrating enterprise related data in accordance with a common model or schema, developing a causal model of net element contribution to enterprise market value by category of value using at least a portion of said data, and identifying one or more element related changes that will optimize a future market value portion of enterprise market value by analyzing said model. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claims 64-70, Marshall discloses a composite application method, comprising: using two or more independent components of application software to produce one or more useful results by processing enterprise related data where said enterprise related data has been integrated from two or more enterprise management systems in accordance with a common model or schema defined by an xml metadata standard. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

65. (new) The method of claim 64 where the independent components of application software can be flexibly combined as required to support the development of one or more useful results.

## **Conclusion**

### **Response to arguments**

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4 Response to arguments filed 10/15/2005 has been considered but they are moot in view of new grounds of rejections.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

December 27, 2005



STANDARD INFORMATION  
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AU 3628